

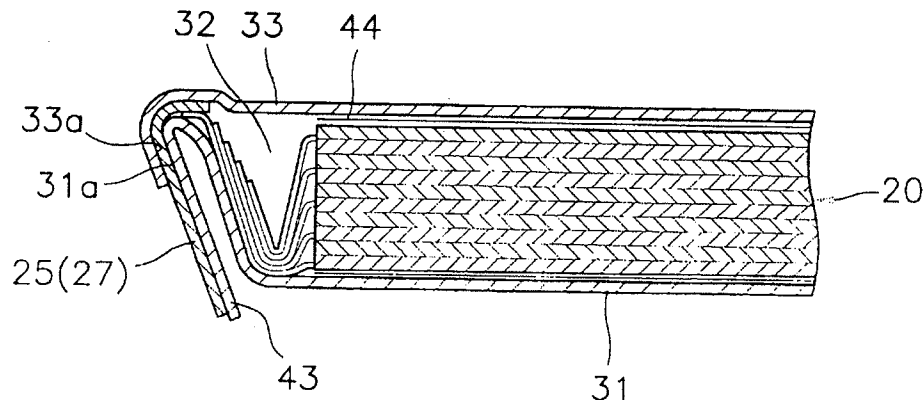
REMARKS

Claims 1, 8 and 19 are pending for this application. Applicants have amended Claim 1. Applicants have not added new matter. Applicants respectfully request reconsideration in view of the above amendments and following remarks.

Rejection Under 35 U.S.C. 103(a)

Claims 1, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,387,567 Noh (hereinafter "Noh") in view of Applicants' Admitted Prior Art (hereinafter "AAPA"). Applicants respectfully traverse this rejection.

On page 2 of the Office Action, the Examiner alleges that Noh discloses all the features of Claim 1, except the feature of a "protection circuit board." However, the Examiner alleges that AAPA discloses this feature. Applicants respectfully disagree. For the Examiner's convenience, FIG. 7 of Noh is reproduced below.



Specifically, on page 2 of the Office Action, the Examiner refers to cases 33 and 31 for allegedly disclosing the "upper case body" and the "lower case body," respectively, to sealing portions 31a and 33a for allegedly disclosing the claimed "sealing portion disposed along the periphery of the space," and to electrode terminals 25 and 27 for allegedly disclosing the claimed "electrode tabs" extending from positive and negative electrode plates.

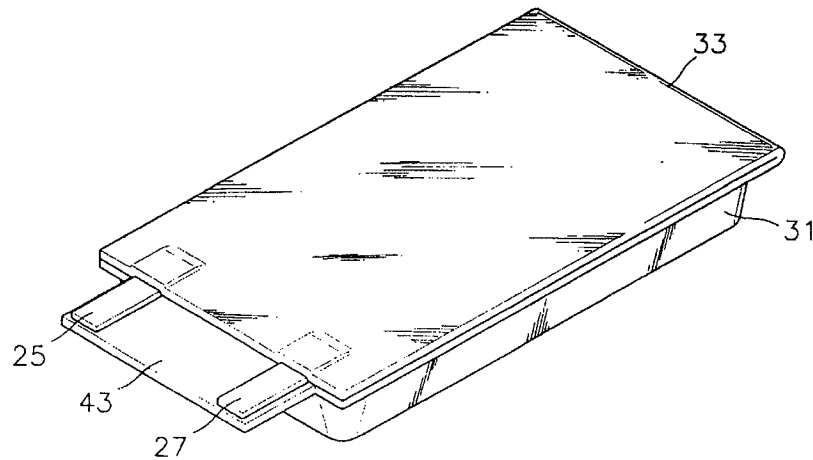
However, Applicants submit that Noh fails to disclose the feature that "the case has an outer wall *substantially perpendicular* to the main surfaces of the upper and lower case bodies." For example, as shown in the figure above, the main surfaces of cases 31 and 33 are *not substantially perpendicular* to any portion of the case that may constitute an outer wall, e.g., the

side wall of the case as illustrated to be extended between cases 31 and 33. Rather, the side wall of the combination cases between cases 31 and 33 appears to be clearly disposed *at an angle* with respect to the main surfaces of cases 31 and 33. There appears to be no portion of the walls of the case that may be reasonably read as constituting an outer wall that is “substantially perpendicular” to the mains surfaces of cases 31 and 33 as claimed.

Moreover, Applicants submit that Noh further fails to disclose the feature that “the electrode tabs extend from the positive and negative electrode plates, through the sealing portion and past the edge of the sealing portion, and are bent only once so as to extend in a plane that is disposed *at a substantially right angle* with respect to a plane of the sealing portion,” as recited in Claim 1. As shown above, the electrode terminals 25 and 27 appears to be bent so that they are parallel to the side wall between cases 31 and 33, which is clearly disposed at an angle with respect to the main surfaces of cases 31 and 33. Applicants submit that there is no portion of sealing surfaces and 31a and 33a that may be reasonably read as constituting a plane from which the electrode terminals 25 and 27 are disposed “at a substantially right angle,” as claimed.

Nevertheless, solely to facilitate prosecution, Applicants have amended Claim 1 to further recite that the electrode tabs “are bent only once so as to extend in a plane that is disposed at a substantially right angle with respect to a plane of the sealing portion and with respect to the main surfaces of the upper and lower case bodies.” As shown above, Noh only teaches that electrode terminals 25 and 27 are bent *at an angle* with respect to the main surfaces of cases 31 and 33. Thus, Applicants submit that Noh fails to teach or suggest at least this additional feature.

Moreover, Applicants note that the Examiner concedes that Noh fails to teach or suggest the feature of a “protection circuit board,” but alleges that AAPA discloses this feature. Indeed, the Examiner refers to supporting portion 43 for allegedly disclosing a “short circuit protection means,” and alleges that simple substitution of one known element (protection circuit board) for another (short circuit protection means) would achieve the predictable results of a pouch type lithium battery that not only prevents short circuiting between the positive and negative tabs but will add an additional layer of protection to the secondary battery during charge and discharge. (Office Action, page 4). Applicants respectfully disagree with these assertions. FIG. 4 of Noh, which illustrates the supporting portion 43, is reproduced below.



Applicants note that the Examiner believes that the supporting portion 43 of Noh is equivalent to a protection circuit board such that it would have been obvious by “simple substitution” to replace the supporting portion 43 with the claimed “protection circuit board.” Applicants respectfully disagree. As made clear in the M.P.E.P., “[i]n order to rely on equivalence as a rationale supporting an obviousness rejection, the *equivalency must be recognized in the prior art*, and cannot be based on applicant’s disclosure or the mere fact that the components at issue are functional or mechanical equivalents. (M.P.E.P. 2144.06, emphasis added). However, the asserted art does not recognize Noh’s supporting portion 43 as being equivalent to a protection circuit board.

Instead, Noh only teaches that supporting portion 43 is molded to support the positive and negative electrode terminals 25 and 27, and to prevent short circuits from occurring when the positive and negative electrode terminals 25 and 27 are folded toward the lower case 31. (Noh, Col. 6, lines 5-10). In contrast, there is no teaching or suggestion in Noh of the claimed “protection circuit board” or appreciation of the functions of a protection circuit board. Thus, there is no recognition in Noh of the equivalency between the supporting portion 43 and a protection circuit board. Because the cited art *fails to recognize equivalency* in the supporting portion 43 and the claimed protection circuit board as required by M.P.E.P 2144.06, Applicants submit that the asserted substitution of the supporting portion 43 for the claimed protection circuit board is improper under M.P.E.P. 2144.06 and, as such, a *prima facie* case of obviousness has not been established.

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For at least the forgoing reasons, Applicants submit that Claim 1 is patentable over Noh in view of AAPA, and respectfully request withdrawal of the rejection to independent Claim 1.

Claims 8 and 19 depend from Claim 1 and recite all the limitations recited in Claim 1 in addition to reciting further distinguishing features. For at least the reasons set forth above, Applicants respectfully request withdrawal of the rejection to Claims 8 and 19.

Claims 1, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art (hereinafter "AAPA") in view of U.S. Patent No. 6,387,567 to Noh (hereinafter "Noh"). Applicants respectfully traverse this rejection.

On pages 5-6 of the Office Action, the Examiner alleges that AAPA discloses all the features of Claim 1, except the feature of that "the electrode tabs... are bent only once so as to extend in a plane that is disposed at a substantially right angle with respect to a plane of the sealing portion." However, the Examiner alleges that Noh discloses this feature. Applicants respectfully disagree for at least the reasons set forth above.

Nevertheless, solely to facilitate prosecution, Applicants have amended Claim 1 to further recite that the electrode tabs "are bent only once so as to extend in a plane that is disposed at a substantially right angle with respect to a plane of the sealing portion and with respect to the main surfaces of the upper and lower case bodies." As noted above, the Examiner concedes that AAPA fails to disclose that the electrode tabs are bent only once to be disposed at a substantially right angle with respect to the plane of the sealing portion. Applicants submit that for the same reason that AAPA fails to disclose this feature, AAPA also fails to disclose the feature that the electrode tabs are bent only once to be disposed at a substantially right angle with respect to the main surfaces of the upper and lower case bodies. Moreover, as shown above, Noh only teaches that electrode terminals 25 and 27 are bent *at an angle* with respect to the main surfaces of cases 31 and 33. Thus, AAPA and Noh fail to teach or suggest at least this additional feature.

For at least the forgoing reasons, Applicants submit that Claim 1 is patentable over AAPA in view of Noh, and respectfully request withdrawal of the rejection to independent Claim 1.

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Claims 8 and 19 depend from Claim 1 and recite all the limitations recited in Claim 1 in addition to reciting further distinguishing features. For at least the reasons set forth above, Applicants respectfully request withdrawal of the rejection to Claims 8 and 19.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
<i>SDIYPL.386AUS</i> (current application)	10/791,269	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	03/03/2004
SDIYPL.386C1	11/265,131	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	11/03/2005
SDIYPL.386CP1	11/280,463	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	11/17/2005

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 17, 2011

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